

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/924,639	DESAI ET AL.	
	Examiner	Art Unit	
	Shaima Q. Aminzay	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 8, 2005.
2. ☒ The allowed claim(s) is/are 1-15 and 17-30.
3. ☒ The drawings filed on August 8, 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## ***DETAILED ACTION***

### ***Allowable Subject Matter***

1. Claims 1-15, and 17-30 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reason for allowance:

The applicant filed amendment on July 8, 2005 in response to the final office action mailed May 5, 2005, and cancelled the only two rejected claims 31-32 which puts the application in conditions for allowance.

None of the prior art of the record either singularly or in combination teaches or fairly suggests the following underlined limitations

The cable data service that is specifically designed to be overlayed over an existing cable network with accommodation for existing customers that use the conventional bit rate, the "method of sending data from a transmit site to a receive site, the method comprising: dividing a transmit data stream having a first bit rate into multiple data streams with each of the multiple data streams having a bit rate which is lower than the first bit rate; transmitting each of the multiple data streams over a cable network comprising a plurality of RF channels, wherein at

least one of the RF channels has connections to a plurality of users and the connections to the plurality of users are between the transmit site and the receive site; and recombining the multiple data streams at the receive site to provide a receive data stream having a bit rate equal to the first bit rate." as disclosed in claim 1.

The cited reference, Rasanen (Rasanen et al. U. S. Patent Number 6,128,322) discloses a wireless system with high-speed data transmission in a digital mobile system with the mobile network allocates number of parallel rate-adapted traffic channels to a high-speed data signal that requires specific transfer rate, and the user data signal is divided in the transmitter into transmission frames for transmission via the parallel traffic channels. In related art Robinett (Robinett et al. U. S. Patent 6,351,474) discloses multiple data streams with different bit rates.

However, the cited reference Rasanen in view of Robinett do not expressly teach a cable data service that is specifically designed to be overlayed over an existing cable network, and "method of sending data from a transmit site to a receive site, the method comprising: dividing a transmit data stream having a first bit rate into multiple data streams with each of the multiple data streams having a bit rate which is lower than the first bit rate; transmitting each of the multiple data streams over a cable network comprising a plurality of RF channels, wherein at least one of the RF channels has connections to a plurality of users and the connections to the plurality of users are between the transmit site and the receive

site; and recombining the multiple data streams at the receive site to provide a receive data stream having a bit rate equal to the first bit rate”.

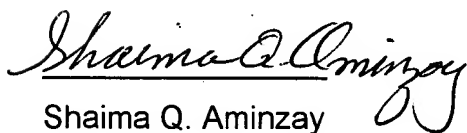
For these reasons independent claims 1 is allowed. Claims 2-15, and 17-30 are depending on the independent claims 1, and claims 2-15 and 17-30 are allowed under the same reasons set forth in claim 1.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-276-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay  
(Examiner)

July 24, 2005

  
NAY MAUNG

SUPERVISORY PATENT EXAMINER

Nay Maung  
(SPE)

Art Unit 2684